



AF \$ EFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: James Hugh McLaughlin

Group Art Unit:  
1617

Serial No.: 09/964,143

Filed: September 25, 2001

Examiner:  
Wang, Shengun

For: Emollient Skin Conditioning Cream and Method

September 21, 2004

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Notice of Appeal Under 37 C.F.R. 1.191

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the final rejection dated March 23, 2004, by the Primary Examiner of Claims 3, 6, 7, 33, 37 and 39 – 43 in the above-identified application.

Further, Applicant respectfully requests that the members of the Board of Appeals in this matter be skilled in chemical arts.

A check is enclosed in the amount of \$1,280.00 in payment of the following fees:

Extension for response within the third month	\$950.00
Notice of Appeal fee	<u>\$330.00</u>
Total	\$1,280.00

Because Applicant is uncertain as to <sup>the</sup> correct amount of the fee in connection with this appeal, the United States Patent and Trademark Office is respectfully requested to verify that the enclosed fee is correct. More particularly, the enclosed fee was calculated without taking into account the fact that Applicant paid a fee of \$110.00 for an Extension for response within the first month in *Qhm*

09/24/2004 HVUONG1 00000029 09964143

01 FC:1401  
02 FC:1253

330.00 OP  
950.00 OP

connection with Applicant's response herein dated July 21, 2004, entitled Amendment Under 37 C.F.R. 1.116 in the subject application. If appropriate, please refund any overpayment.

Respectfully submitted,

*Richard N. Miller*

Richard N. Miller  
Reg. No. 22,977  
Attorney of Record  
188 Garner Avenue  
Bloomfield, N.J. 07003  
Tel. 973-338-4660

I hereby certify that this paper along with the enclosed check are being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to the Commissioner Of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21<sup>st</sup> day of September, 2004, by Richard N. Miller. *Richard N. Miller*